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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,118	04/01/2005	Dirk Adolph	PD020099	2641
24498	7590	02/06/2008		
Joseph J. Laks THOMSON LICENSING LLC 2 Independence Way PO BOX 5312 PRINCETON, NJ 08543			EXAMINER ANDRAMUNO, FRANKLIN S	
			ART UNIT	PAPER NUMBER
			2623	
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			02/06/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/530,118

Applicant(s)

ADOLPH ET AL.

Examiner

Franklin S. Andramuno

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4/1/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/1/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/1/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-7 are rejected under 35 U.S.C. 102(e) as being unpatentable by Yahata et al (US 2004/0240856 A1) in view of Yamada et al (US 6,778,759 B1).

Hereinafter referred as Yahata and Yamada.

Regarding claims 1, 6 and 7, Yahata discloses a method apparatus and a pre-recorded storage medium for arranging data streams containing video, audio and/or other data (**Figure 2**), comprising: defining a basic stream path of consecutive descriptors pointing to parts of a basic AV MPEG-2 transport stream of multiplexed elementary streams (**page 1 paragraph (0002)**), wherein said descriptors define the arrangement in time for playing back said parts of said basic AV MPEG-2 transport stream (**page 1 paragraph (0007) lines 1-5**); defining multiple sub stream paths of consecutive descriptors existing in parallel to said basic stream path (**page 1 paragraph (0012)**), said sub stream paths of descriptors pointing to parts of data streams being located out of said basic AV MPEG-2 transport stream (**page 2 paragraph (0024)**), wherein each of said sub stream paths is of one of several possible

sub stream path types like a video stream path (**video decoder in figure 18**), an audio stream path (**Audio Decoder in figure 18**), a subtitle stream path or a graphics stream path (**page 13 paragraph (0320) line 4**); indicating the type of each of said sub stream paths; and binding at least one data stream originating from an external data source to said basic AV MPEG-2 transport stream by pointing at said data stream by descriptors of the corresponding sub stream path. **However, Yahata fails to disclose** the binding of an external source to a corresponding sub stream path. Yamada teaches in **column 6 lines 66 to column 7 lines 9** that a title set is constructed of a plurality of titles sharing the AV data each other.

Therefore, it would have been obvious at the time of the invention to include the use of binding the originating av-mpeg stream to a corresponding sub stream path. This is a useful combination because it allows a dvd movie to be shared with different subtitles and languages.

3. Claims 2-5 are rejected under 35 U.S.C. 102(e) as being unpatentable by Yahata et al (US 2004/0240856 A1) in view of Yamada et al (US 6,778,759 B1) in view of Chotoku et al (US 2002/0006268 A1). Hereinafter referred as Yahata, Yamada, and Chotoku.

Regarding claim 2, Yahata discloses a method according to claim 1, wherein said basic AV MPEG-2 transport stream is pre-recorded on a read-only disc and said at least one data stream bound to said basic AV MPEG-2 transport stream (**Figure 4**) is

provided via internet. **However, Yahata and Yamada fail to** show the use of internet for uploading the AV MPEG-2 transport Stream. Chotoku discloses on **(page 4 paragraph (0060))** information can be acquired from a network such as the internet.

Therefore, it would have been obvious at the time of the invention to include the use of internet. This is a useful combination because it saves space on the disk and allows more data to be disclosed through the use of the internet.

Regarding claim 3, Chotoku discloses a method according to claim 1, wherein said descriptors define the synchronization of parts of said data streams concerning their relative relation in time by defining the start time and end time of the separate parts of data streams **(page 2 paragraph (0026))**.

Regarding claim 4, Yamada discloses a method according to claim 1, wherein said descriptors define the synchronization of parts of data streams concerning their switching by defining points in time and in the binary stream **(Figure 5)** were the decoding of a part of a data stream can be substituted by decoding a part of another data stream **(Video File 1 in figure 6)**.


Regarding claim 5, Yahata discloses a method according to claim 1, wherein the format of a data stream bound to said basic AV MPEG-2 transport stream is an MPEG-2 transport stream of multiplexed elementary streams **(page 14 paragraph (0335))**.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin S. Andramuno whose telephone number is 571-270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**CHRIS KELLEY**  
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